

REMARKS

It is noted that claims 7-12 have been withdrawn from further consideration by the Examiner as being drawn to a non-elected invention pursuant to 37 CFR 1.142(b).

The drawings have been objected to for the reasons set forth in paragraph 4 of the Examiner's Office Action letter. This objection is respectfully traversed.

In objecting to the drawings, the Examiner points to the expression "reinforcement parts" which, in his opinion, is not shown in the drawings. However, as the Examiner will readily recognize, the expression "reinforcement parts" has been further defined in the claims as "reinforcement members." In an effort to clarify the language of the claims, the expression "reinforcement parts" has been deleted from the claims and replaced with the "reinforcement members." Element 21 in Fig. 2 of the present application clearly identifies the reinforcement member. Accordingly, it is believed that the Examiner's objections to the drawings have been eliminated.

Claims 1 and 4 have been rejected by the Examiner under 35 USC 102(b) as being anticipated by Case, U.S. Patent 262,569A. Also, claim 5 has been rejected by the Examiner under 35 USC 103(a) as being unpatentable over the Case patent. These rejections are respectfully traversed.

As the Examiner will note, claim 1 has been amended to include the subject matter of claims 4 and 5, and correspondingly, claims 4 and 5 have been cancelled from the present application. Accordingly, in view of the amendments made to claim 1, the only patentable issue to be addressed is the issue of "obviousness" under 35 USC 103.

In addition to amending claim 1 to include the subject matter of claims 4 and 5, claims 15 and 16 have also been added to the present application. Newly added claim 15 is directed to a

head-extended pile as defined in claim 1, wherein the pile is a solid concrete pile or a steel pile. Furthermore, newly added claim 16 recites that the head-extended pile has a lower reinforcing member with a diameter equal to the thickness of the lower reinforcing member and furthermore that the transitional portion of the lower reinforcing member has a slope ratio within the range of 1:1 to 1:10. Thus, newly added claims 15 and 16 recite features of the present invention which facilitate the construction method of introducing a head-extended pile into the ground as defined by the present invention.

The Case patent relied upon by the Examiner, although bearing some similarity to the present invention, differs from the present invention in concept, application and structure. Thus, the present invention is utilized in connection with concrete piles, PHC piles and steel piles having a case. On the other hand, as noted in Col. 1, line 13 of the Case patent, the invention disclosed therein is applied to "tubular" piles made of "iron." Furthermore, the present invention provides a pile that can have increased support by the use of a reinforcing member which comprises a reinforcing disc having a diameter larger than that of the pile. On the other hand, in the case of the Case reference, the Patentee is not concerned with solid pile construction, for example, solid concrete pile but rather to the insertion of a sleeve of iron into the ground, said sleeve of iron consisting of two or more sections of pipe butted together and sliced with one or more beveled sleeves. Clearly the respective purposes of the present invention and the Case patent with their associated problems are completely different from each other whereby one skilled in the art would not be lead to look to the teachings of the Case patent in order to solve the problems associated with the use of a head-extended pile for supporting the load of a structure as defined by the present invention. In addition, it should be noted that the Case patent requires the presence of ribs or scrapers t projecting downward from the underface of the plate q. These scrapers or ribs t are designed to strengthen the shoe D and to loosen the soil beneath the pile as the latter is rotated or turned by the operator when it is being sunk or placed in position. This feature of the Case reference merely further distances the teachings of the prior art reference from the present invention which does not utilize such ribs to facilitate the rotating or turning by the operator when the tubular iron pile is being sunk or placed in position.

The Examiner further recognizes that the Case patent fails to teach a water-discharging hole formed through the center of the reinforcing disc but concludes that it would be obvious that one of ordinary skill in the art to form a hole through the center of the reinforcing disc. However, the use of a water discharging hole formed through the center of the reinforcing disc as defined by the present invention serves to further distinguish the intent and purposes and problems associated with the Case patent as distinguished from the present invention. Thus, as noted on page 13 of the present application, a water discharging hole 52 is formed through the center of the reinforcing disc 40 whereby by the head-extended pile 2 is prevented from rising due to seepage of water. Thus, when a hole is bored in the ground having collapsible soil, a head-extended pile is selected. In ground having a high water level, the water-discharging hole 52 is formed through the center of the reinforcing disc 50 so that the head-extended pile is prevented from rising from the water level in the hole when the head-extended pile is penetrated into the ground by means of its own weight. Since the Case patent does not recognize the problem as defined by the present invention, it is clear that the Case patent cannot possibly contemplate the Applicant's solution to such a problem. Accordingly, it is believed that the Examiner, in rejecting the claims of the present application, is reconstructing the teachings of the Case patent in view of the Applicant's own disclosure.

Accordingly, in view of the above amendments and remarks reconsideration of the rejections and objections and allowance of all of the claims of the present application are respectfully requested.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Joseph A. Kolasch Reg. No. 22,463 at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

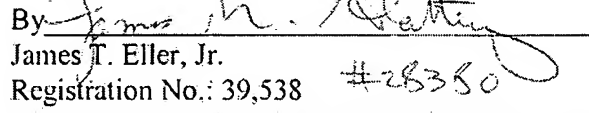
Application No. 10/526,392
Amendment dated January 12, 2009
Reply to Office Action of September 12, 2008

Docket No.: 3884-0123PUS1

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37.C.F.R. §§1.16 or 1.17; particularly, extension of time fees.

Dated: January 12, 2009

Respectfully submitted,

By 
James T. Eller, Jr.
Registration No.: 39,538 #28380
BIRCH, STEWART, KOLASCH & BIRCH, LLP
8110 Gatehouse Road
Suite 100 East
P.O. Box 747
Falls Church, Virginia 22040-0747
(703) 205-8000
Attorney for Applicant